

STATE OF TEXAS §
COUNTIES OF ARANSAS§
SAN PATRICIO AND NUECES §
CITY OF ARANSAS PASS§

On this the 5th day of April, 2010 the City Council of the City of Aransas Pass convened in a Regular Council Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT: Tommy Knight, Mayor
Jay Attaway, Mayor Pro Tempore
Karen Mayer, Council Member
Vickie Abrego Council Member
Phillip Hyatt Council Member

ABSENT:

ADMINISTRATIVE
PERSONNEL PRESENT: Reggie Winters, City Manager
Allen Lawrence, City Attorney
Yvonne Stonebraker, City Secretary

ADMINISTRATIVE
PERSONNEL ABSENT:

STAFF PRESENT: Rickie Kilgore Fire Chief
Paul Alvarado Public Works Director

OTHERS PRESENT: Lu & Ralph Arcemont, Donald & Jeanie Brummett, Phil Reynolds, Rosemary Vega/Chamber of Commerce, Dorothy Roberts, Sami L. Shirley, Nancy Allen, Capt. Machost Jr., Virginia Schwenke, Sharon Douglas, Irene Ireys, Jim Gray, R.L. McElwee, Patty Gilden, Rosemary Upton, Capt. T. E. Doran, Jim & Alpha Covington.

There may have been others present who did not sign in.

1. **CALL MEETING TO ORDER.**

Mayor Knight called the meeting to order at 7:00 p.m. on April 5, 2010.

2. **INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.**

Council Member Abrego gave the invocation. Mayor Knight led the Pledge of Allegiance to the United States flag.

3. **CONSENT AGENDA:** *“All of the following items on the Consent Agenda are considered to be routine by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Councilmember so requests. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.”*

A. **CONSIDER AND ACT ON APPROVING THE MINUTES OF MARCH 1 AND MARCH 15, 2010.**

B. **CONSIDER AND ACT ON ORDINANCE NO. 2010-3974 - AN ORDINANCE OF THE CITY OF ARANSAS PASS, TEXAS, GRANTING A CONDITIONAL USE PERMIT TO JAMES AND BRENDA BYRD TO OPERATE A USED CAR LOT AT 2180 WEST WHEELER AVENUE, BEING 9.167 ACRES OUT OF A PORTION OF FARMLOT 9 AND 10, LANDBLOCK 1, T.P. MCCAMPBELL SUBDIVISION, ARANSAS PASS, SAN PATRICIO COUNTY, TEXAS.**

C. **CONSIDER AND ACT ON ORDINANCE NO. 2010-3975 - AN ORDINANCE OF THE CITY OF ARANSAS PASS, TEXAS, GRANTING A CONDITIONAL USE PERMIT TO KEITH BUTLER FOR A BAR, LOUNGE OR TAVERN AT 2104 WEST WHEELER AVENUE, BEING BLOCK 1, 100' X 140', TRACT 5, MCCAMPBELL SUBDIVISION, ARANSAS PASS, TEXAS.**

Mayor Pro Tem Attaway made a motion to approve the consent agenda. Council Member Mayer seconded the motion and the motion carried unanimously.

4. **PROCLAMATION RECOGNIZING DOROTHY ROBERTS.**

Mayor Knight presented Dorothy Roberts with a Proclamation honoring her on the upcoming appointment as the 56th President of the Texas Federation of Women’s Club on April 16, 2010.

14. **CONSIDER AND ACT ON APPROVAL OF A MUTUAL USE AGREEMENT BETWEEN THE CITY OF ARANSAS PASS, TEXAS AND THE CITY OF INGLESIDE, TEXAS.**

City Manager Winters stated the Mutual Use Agreement between the City of Aransas Pass and the City of Ingleside would allow each City to render assistance to one another. He stated if any

equipment that is being utilized should malfunction/breaks, the owner of the equipment will be responsible for any cost that exceeds \$3,500.00.

Mayor Knight stated the Mutual Use Agreement was long over due.

Ingleside Mayor Jim Gray stated over the years the Police, Fire and Parks Departments had entered into Interlocal Agreements and thought it was time to extend it into the Public Works Department. He stated the Mutual Use Agreement could benefit both City's.

City Manager Winters stated a thirty day written notice could cancel the Agreement.

Council Member Abrego Made a motion to approve a Mutual Use Agreement between the City of Aransas Pass, Texas and the City of Ingleside, Texas. Council Member Hyatt seconded the motion and the motion carried unanimously.

5. **PRESENTATION OF CITY'S 2008-2009 FINANCIAL AUDIT.**

Mr. Michael Arnold, PLLC presented the 2008-2009 financial audit. He stated he would go over the highlights of the audit. Mr. Arnold stated the General Fund spent \$46,000.00 more than it took in, the Municipal Development District had a negative \$3,000,000.00 due to the construction of the Civic Center, Debt Service Fund increased by \$32,000.00 and the Capital Improvement Fund increased \$15,000.00. He stated the Water and Sewer operations brought in \$580,000.00 with a net profit of \$25,000.00. Mr. Arnold stated on Page 63 of the audit was a report on compliance and internal control. He stated no non-compliance issues were discovered and the City complied to all grant requirements.

6. **CONSIDER AND ACT ON REQUEST OF CHAMBER OF COMMERCE FOR THE CITY TO PROVIDE LIABILITY INSURANCE AND ASSISTANCE FROM THE POLICE AND PUBLIC WORKS DEPARTMENTS FOR THE 2010 SHRIMPOREE AND PERMIT WAGNER'S CARNIVAL TO OPEN ON THURSDAY EVENING (JUNE 10, 2010) PRIOR TO SHRIMPOREE.**

After a short discussion regarding the City furnishing liability insurance and police assistance in past years, Council Member Mayer made the motion to approve the request of Chamber of Commerce for the City to provide liability insurance and assistance from the Police and Public Works Departments for the 2010 Shrimpoeree and permit Wagner's Carnival to open on Thursday evening (June 10, 2010) prior to Shrimpoeree. Council Member Abrego seconded the motion and the motion carried unanimously.

7. **CONSIDER AND ACT ON APPROVING THE REQUEST OF CAPT. NORRIS MACHOST DBA BAIT SHACK TO LEASE AN ADDITIONAL 55' OF PROPERTY ON THE SOUTH SIDE OF THE EXISTING PROPERTY. THE EXISTING PROPERTY IS DESCRIBED AS TRACT 1, BLOCK A, LOT 6 CONN BROWN HARBOR CONSISTING OF 100 LINEAR FEET AT 510 BIGELOW.**

City Manager Winters stated Capt. Machost's lease consists of 100 linear feet and would like to add an additional 55 linear feet on the south side of the existing property for parking. He stated Capt. Machost would have a month-to-month lease and would pay the same rate as his existing lease.

Mayor Pro Tem Attaway made a motion to approve the request of Capt. Norris Machost dba Bait Shack to lease an additional 55' of property on the south side of the existing property. The existing property is described as Tract 1, Block A, lot 6 Conn Brown Harbor consisting of 100 linear feet at 510 Bigelow. Council Member Abrego seconded the motion and the motion carried unanimously.

8. **CONSIDER AND ACT ON APPROVING THE REQUEST OF PROJECT GRADUATION FOR USE OF THE AQUATIC CENTER ON FRIDAY, JUNE 4, 2010 FROM MIDNIGHT UNTIL 2 A.M FREE OF CHARGE.**

Council Member Mayer made a motion to approve the request of Project Graduation for the use of the Aquatic Center on Friday, June 4, 2010 from midnight until 2 a.m. free of charge. Council Member Hyatt seconded the motion and the motion carried unanimously.

9. **CONSIDER AND ACT ON RESOLUTION 2009-621 CONCERNING "HOME" PROGRAM AMENDING PRIOR ACTION.**

City Manager Winters stated in September 2009, the City Council approved Resolution 2009-621 concerning the "HOME" program. He stated the Council committed to \$24,000 in matching funds, \$18,000 cash for any eligible hard or soft cost for households and \$6,000 in-kind match. He stated the Federal Government had last minute changes. City Manager Winters stated the Council needs to commit to \$54,000 in matching funds. He stated \$18,000 cash for any eligible hard or soft cost for households and \$36,000 in-kind match.

Council Member Mayer approved the amendment to Resolution 2009-621 concerning the "HOME" program. Council Member Hyatt seconded the motion and the motion carried unanimously.

10. **CONSIDER AND ACT ON A REQUEST FROM THE COASTAL BEND BAYS AND ESTUARIES PROGRAM, INC. FOR ANNUAL SUPPORT OF THE IMPLEMENTATION OF THE COASTAL BEND BAYS PLAN FOR FISCAL YEAR 2010.**

Council Member Mayer stated the City of Aransas Pass budgeted an annual support every year for the Coastal Bend Bays

Council Member Mayer made a motion to approve a request from the Coastal Bend Bays and Estuaries Program, Inc. for annual support of \$5,000 for the implementation of the Coastal Bend Bays Plan for Fiscal Year 2010

11. CONSIDER AND ACT ON THREE APPOINTMENTS TO THE ED & HAZEL RICHMOND LIBRARY BOARD.

Mayor Pro Tem Attaway made a motion to re-appoint Paula Stone and Marsha Wellman to the Ed and Hazel Richmond Library Board. Council Member Abrego seconded the motion and the motion carried unanimously.

Item 12 was tabled at the March 15, 2010 Council meeting and must be untabled before consideration.

12. CONSIDER AND ACT ON THE REQUEST OF ARANSAS PASS LITTLE LEAGUE FOR A SPONSORSHIP OF A SIGN AND A FAMILY PACKAGE DONATION TO THE AQUATIC CENTER FOR THEIR SILENT AUCTION AT THE OPENING CEREMONIES ON APRIL 10, 2010.

Mayor Pro Tem Attaway made a motion to untable Item 12. Council Member Mayer seconded the motion and the motion carried unanimously.

City Manager Winters stated the Aransas Pass Little League was requesting a sponsorship of a sign worth \$200.00 and a family package for 4 donation to the Aquatic Center worth \$250.00 for the silent auction held at opening ceremonies.

Mayor Knight stated the Aransas Pass Little League had free use of the fields, free water and free electricity and now they would like the City to pay \$200.00 for a sponsorship sign.

Little League President Rudy Abrego stated the City Council was doing an excellent job on supporting the Aransas Pass Little League.

Mayor Pro Tem Attaway stated with the City providing the League with free services, the League would put up a sponsorship sign for the City free of charge.

Mayor Pro Tem Attaway made a motion to deny the sponsorship sign and to approve a family package donation to the Aquatic Center for the Little Leagues silent auction at the opening ceremonies on April 10, 2010. Council Member Mayer seconded the motion and the motion carried with Council Member Abrego abstaining from the vote.

Item 13 was tabled at the March 15, 2010 Council meeting and must be untabled before consideration.

13. CONSIDER AND ACT ON APPROVAL OF RENEWING A CELL SITE LEASE AGREEMENT BETWEEN THE CITY OF ARANSAS PASS AND VOICESTREAM PCS II CORPORATION, DBA T-MOBILE.

Mayor Pro Tem Attaway made a motion to untable Item 13. Council Member Mayer seconded the motion and the motion carried unanimously.

City Manager Winters stated he and City Attorney Allen Lawrence examined the new Cell Site Lease Agreement and decided not to approve any of the options.

Mayor Pro Tem Attaway made a motion to deny the renewal of a Cell Site Lease Agreement between the City of Aransas Pass and VoiceStream PCS II Corporation, dba T-Mobile. Council Member Abrego seconded the motion and the motion carried unanimously.

15. CITY MANAGER RECYCLING PROGRAM UPDATE.

City Manager Winters stated the recycling program has been in effect for 2 Saturdays now. He stated 32 residents had brought aluminum, paper and plastics. He stated 32 residents had brought bulky items, 21 brought brush and 11 had brought scrap metal. City Manager Winters stated, with proof of residency, Aransas Pass residents could bring furniture, brush and scrap metal but anyone could bring aluminum, paper and plastics.

Mayor Knight stated with this program in effect, he was hoping it would stop illegal dumping on our roads.

16. CITIZENS' COMMENTS.

Tom Cromer, from Vermont, stated he was not a citizen of Aransas Pass yet, but wanted to congratulate the Mayor and Council on the recycling program.

Capt. Tom Doran stated he wanted to commend the Mayor and Council for their continued support for the businesses located on Conn Brown Harbor.

Little League President Rudy Abrego invited the Mayor and Council to the Little League opening ceremonies for Saturday, April 10 at 10:00 a.m.. He stated there were 270 children participating which made up 22 teams. He stated barbeque would be served a \$6.00 a plate.

17. **RECESS REGULAR MEETING AND RETIRE TO EXECUTIVE SESSION PURSUANT TO CHAPTER 551 OF TEXAS GOVERNMENT CODE.**

Recessed into Executive Session at 7:38 p.m.

Section 551.074 Deliberations Regarding Personnel – Evaluation of City Manager.

18. **RECONVENE IN REGULAR MEETING AND CONSIDER AND ACT ON FINDINGS OF EXECUTIVE SESSION.**

Reconvened into Regular Session at 8:07 p.m.

Section 551.074 Deliberations Regarding Personnel – Evaluation of City Manager

Mayor Pro Tem Attaway made a motion to approve City Manager Winters a 10% pay raise, 4 weeks vacation and 3 months severance pay if fired. Council Member Mayer seconded the motion and the motion carried unanimously.

19. **ADJOURNMENT OF MEETING.**

Mayor Pro Tem Attaway made a motion to adjourn the Meeting. Council Member Mayer seconded the motion and the motion carried unanimously.

Mayor Knight adjourned the meeting at 8:09 p.m.

Tommy Knight, Mayor

ATTEST:

Yvonne Stonebraker, City Secretary